

**TENTH DAY**

(Monday, January 30, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis

Absent—Excused

Owen

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"We pray, our Father, that the influence of these moments in Thy presence shall not end with a formal prayer. As these Senators stand by their desk with their work before them, may they breath a silent prayer for faith to believe with Thee all things are possible, without Thee we can do nothing. We pray in Christ's name. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 26, was dispensed with and the Journal was approved.

**Leaves of Absence**

Senator Owen was granted leave of absence for today on account of illness on motion of Senator Hudson.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
January 26, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a Conference Committee on S. C. R. No. 7.

The House has appointed the following Conference Committee: Messrs. Huebner, Preston, Pieratt, Collins and Smith of Jefferson.

Respectfully submitted,  
**DOROTHY HALLMAN,**  
Chief Clerk, House of Representatives

**Senate Resolution 34**

Senator Hardeman offered the following resolution:

Whereas, It is with regret that the Senate of Texas has learned of the illness of Honorable Tom Miller, the able and affable longtime Mayor of our Capital City; and

Whereas, He has exemplified the spirit of friendship and hospitality that characterizes the good citizens of Austin; now, therefore, be it

Resolved, By the Senate of Texas, that it does hereby express its hope for Mayor Miller's speedy recovery and his return to his duties and that a copy of this resolution be forwarded to Mayor Miller.

**HARDEMAN**

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Calhoun, Colson, Creighton, Crump, Dies, Fuller, Gonzalez, Hazlewood, Herring, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Roberts, Rogers, Schwartz, Secrest, Smith, Weinert, Willis.

The resolution was read.

On motion of Senator Herring and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

**Senate Bills on First Reading**

The following bills were introduced, read first time and referred to the Committee indicated:

By Senator Hardeman:

S. B. No. 107, A bill to be entitled

"An Act relating to liens for persons, firms, lumber dealers or corporations, artisans, laborers, mechanics, sub-contractors who labor, especially fabricate material or furnish labor or material for certain construction or repair works; creating liens to secure payment; defining the meaning of certain words and terms used in this Act; prescribing the manner of fixing and securing liens; establishing a lien for certain specially fabricated materials contracted for; establishing a procedure for the retention of funds and the payment of claims; providing for forms for claims; requiring the original contractor to defend certain suits; providing for the equality of liens and establishing a preference for liens of artisans and mechanics perfected as herein provided; permitting a bond to be filed for the payment of liens or claims and establishing the procedure for the filing of such bond and the perfecting and payment of claims; amending Articles 5452, 5453, 5454, 5455, 5463, 5467, 5468 and 5469 of Title 90 of the Revised Civil Statutes of Texas, 1925; repealing Articles 5456, 5457, 5461, 5462 and 5465 of Title 90 of the Revised Civil Statutes of Texas, 1925; fixing the effective date of this Act and prescribing the contracts to which it applies and the contracts which shall continue to be governed by the law heretofore applicable; providing for severability; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Gonzalez:

S. B. No. 108, A bill to be entitled "An Act relating to teacher tenure; defining terms, providing standards and terms of tenure; providing requirements and procedures for the suspension, dismissal and demotion of teachers; providing for hearings and appeals; providing for illness and leaves of absence; providing for general reduction of salaries and dismissal of teachers; providing for resignations; providing a cumulative and repealing clause; providing that this Act shall be severable; and declaring an emergency."

To the Committee on Education.

By Senator Gonzalez:

S. B. No. 109, A bill to be entitled "An Act providing that teachers and other employees of the public school system of Texas or State supported

institutions of higher learning shall not be required to participate, nor prevented from participating in political activities at any level; providing that such political activity or failure to participate shall not be considered as a condition of employment, rehire, contract extension or discharge from employment, providing such persons are expressly prohibited from using school time, equipment, or funds for the furtherance of any political group or party; repealing all statutes in conflict; providing this law shall be cumulative; providing for severability and declaring an emergency."

To the Committee on Privileges and Elections.

By Senator Gonzalez:

S. B. No. 110, A bill to be entitled "An Act amending Article 7.05 of the Texas Business Corporation Act, Chapter 64, Acts, 1955, Fifty-fourth Legislature, by adding a new subsection (e), to Section A(1) thereof providing that a receiver may be appointed for the assets and business of a corporation when it is established in an action by a shareholder that the shareholders are deadlocked in voting power, and have failed for a period which includes at least two consecutive annual meeting dates, to elect successors to directors whose terms have expired or would have expired upon the election of their successors; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Herring:

S. B. No. 111, A bill to be entitled "An Act to amend Article 3.50 of the Texas Insurance Code by adding thereto a subsection to be designated as Subsection (5) of Section 1, providing for group life insurance policies for associations of employees of the United States Government or any subdivision thereof, and declaring an emergency."

To the Committee on Insurance.

By Senator Herring:

S. B. No. 112, A bill to be entitled "An Act to create county traffic courts with original and appellate jurisdiction in certain traffic cases; prescribing the organization, jurisdiction, powers, and procedure of such courts, and conforming the jurisdiction and procedure of other courts thereto; repealing all laws in conflict

herewith; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Herring:

S. B. No. 113, A bill to be entitled "An Act to create Municipal Courts with original and appellate jurisdiction in certain cases in cities having a population of fifty thousand (50,000) or more; prescribing the jurisdiction, organization, procedure, and powers of such courts; prescribing the practice therein and the appeals therefrom; providing for the selection of a Judge of said Court and for an Alternate Judge; providing for the removal of the Judge; providing for the hiring of personnel and the reporting and recording of the proceedings of said Court; providing for a Seal of said Court; providing for the selection of a Jury and the right of trial by Jury; prescribing the conditions for vacating the offices of said Court and providing therefor; providing for the conforming of the criminal jurisdiction of other Courts thereto; providing a repealing clause, severability clause; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Colson:

S. B. No. 114, A bill to be entitled "An Act providing for transfer of title to a certain tract of land in Houston County, Texas, now composing a part of the site of the Colored Girls Training School, from the State of Texas to the Crockett Independent School District; repealing conflicting laws; and declaring an emergency."

To the Committee on State Affairs.

By Senator Colson:

S. B. No. 115, A bill to be entitled "An Act to amend Section 92 of House Bill No. 6, Acts of the 55th Legislature, Regular Session, so as to provide that all application fees and license fees collected under this Act shall be set aside and used exclusively by the State Health Department; providing the specific purposes for which the application fees and license fees shall be expended by the State Health Department; making an appropriation of these funds for the purposes enumerated in this Act, and declaring an emergency."

To the Committee on Finance.

By Senator Baker:

S. B. No. 116, An bill to be entitled

"An Act to adopt and establish general statutory provisions and a definition applicable to real estate investment trusts; to provide for the formation and operation of a real estate investment trust; to provide for powers, duties, authorizations, liabilities and responsibilities of real estate investment trusts and their trust manager(s), officers and shareholders; to provide a manner for service of process on a real estate investment trust; provide for the payment and transfer of shares and the powers, duties and liabilities of shareholders; to provide for shareholders' meetings and the conduct thereof; to provide the termination and liquidation of real estate investment trusts; providing the Antitrust Laws of Texas shall not be affected under the provisions of this Act; containing a saving clause; and declaring an emergency."

To the Committee on State Affairs.

By Senator Kazen:

S. B. No. 117, A bill to be entitled "An Act to amend Senate Bill 1, Chapter 27, Acts of the Regular Session of the 52nd Legislature apportioning the State of Texas into Senatorial Districts; naming the counties comprising each district; providing that each district shall be entitled to elect one Senator; providing that this Act shall become effective and apply to the election of Senators of the 58th Legislature and to the election of Senators thereafter; providing that this Act shall not apply to the election of Senators of the 57th Legislature; providing that vacancies in the office of any Senator of the 57th Legislature shall be filled by election in the district as it now exists; providing for severability; repealing all laws in conflict herewith; and declaring an emergency."

To the Committee on Legislative, Congressional and Judicial Districts.

By Senator Kazen:

S. B. No. 118, A bill to be entitled "An Act fixing the maximum rate of ad valorem tax for maintenance of public schools in Independent School Districts located in counties having a population of less than Twenty Thousand (20,000), according to the last preceding Federal Census at Two Dollars (\$2.00) per One Hundred (\$100.00) Dollars valuation of taxable property; declaring the Act to be cumulative of other laws and re-

pealing other laws in conflict herewith; and declaring an emergency."

To the Committee on State Affairs.

By Senator Lane:

S. B. No. 119, A bill to be entitled "An Act to make uniform the law of partnership; defining partnership; defining relations of partners to persons dealing with the partnership; defining relation of partners to one another; defining property rights in partnerships (including those of spouses of partners); providing for dissolution and winding up; defining the rules for distribution of partnership property; providing for interpretation and construction of the Act; providing for cases not provided for herein; providing a severability clause; repealing Acts in conflict herewith; and declaring an emergency."

To the Committee on State Affairs.

By Senator Lane:

S. B. No. 120, A bill to be entitled "An Act repealing Article 1220 of the Penal Code of Texas, 1925; providing a savings clause; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Moffett:

S. B. No. 121, A bill to be entitled "An Act amending Article 57 of the Revised Civil Statutes of Texas, 1925, as amended, to provide for an additional member of the State Seed and Plant Board; providing for severability; and declaring an emergency."

To the Committee on Agriculture and Livestock.

By Senator Hudson:

S. B. No. 122, A bill to be entitled "An Act amending Section 2 of Chapter 161, Acts of the 55th Legislature, Regular Session, 1957, to provide for the continuation of certain water districts completely annexed by cities where part of the territory contained therein is being used for farming, ranching and/or orchard purposes; and declaring an emergency."

To the Committee on Water and Conservation.

By Senator Gonzalez:

S. B. No. 123, A bill to be entitled "An Act to make unlawful certain discriminatory practices in respect to employment because of the ages of the individuals seeking or being in employment, creating and conferring jurisdiction upon the Division against

discrimination' in the Labor Commission of Texas, providing for the practice and procedure to be followed in the enforcement of the Act."

To the Committee on Labor and Management Relations.

### Senate Resolution 36

Senator Fuller offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate, Miss Linda Odum from Nashville, Tennessee, a student at Baylor University, and Miss Fay Lynn Cruse of Port Arthur, Texas, a student at Lamar State College of Technology; and

Whereas, We desire to welcome these charming young ladies to the Capitol Building and the Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas, and that they be extended an official welcome.

The resolution was read and was adopted.

Senator Fuller by unanimous consent presented the guests to the Members of the Senate.

### Co-Author of Senate Bill 21

On motion of Senator Moffett and by unanimous consent Senator Ratliff will be shown as co-author of S. B. No. 21.

### Senate Concurrent Resolution 12

Senator Lane offered the following resolution:

S. C. R. No. 12, Granting W. E. Campbell and wife permission to sue the State of Texas.

Whereas, There are conflicting claims of ownership between the State of Texas and W. E. Campbell and wife of Panola County, Texas, concerning the mineral interest under a 100 foot wide right-of-way to State Highway No. 64 which crosses land owned by Mr. Campbell in Panola County, Texas, and being more fully described as follows:

All that certain tract or parcel of land situated in the County of Panola, State of Texas, and being a part of a survey originally granted to Jane Thorpe, by Patent No. 84, Vol. 2, Abstract No. 665, and being more particularly described as follows, to wit:

A strip of land 100 ft. wide, 50 ft. on each side of center-line of the present State Highway No. 64, from the east line of Mrs. Minnie Bagley at survey station 1010+19 to the west line of George Tiller at survey station 1050+39 on the North side of the Highway and the west line of Sam Matthews and George Laney at survey station 1050+45 on the South side of the Highway.

Whereas, The controversy as to dispute of title to the aforesaid mineral interest can only be reconciled by adjudication; now, therefore, be it

Resolved, By the Senate, the House of Representatives concurring, That the said W. E. Campbell and wife be and are hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction in Panola County, Texas, to determine the validity of their claims and to recover judgment against the State of Texas for such relief as they may be entitled to, and in case such suit be filed, service of citation shall be had upon the Attorney General of Texas or such other officers of the State as may be necessary for such suit, and that the same shall have the same force and effect as made and provided in civil cases, and that either of the parties to said suit have the right of appeal, and it is so resolved. It is to be understood that the purpose of this Resolution is to grant permission to bring suit against the State of Texas and no admission of liability of the State of Texas is made by this Resolution.

The resolution was read and was referred to the Committee on Jurisprudence.

#### Senate Resolution 37

Senator Reagan offered the following resolution:

Whereas, On January 20, 1961 at 6:58 p.m., at Kleberg County Hospital, there was brought into the world a new citizen named James Jack Glusing, weighing six pounds and eleven ounces and being the picture of health; and

Whereas, James Jack Glusing is the only son of the personable and illustrious Representative Ben A. Glusing and his lovely wife, Neil; and

Whereas, This charming couple have two daughters, namely Jody and Sally, who together with little James Jack have and will continue to add

delight to their fond parents and others with whom they associate; and

Whereas, It is the desire of the Senate of the State of Texas to honor this youngest member of Representative and Mrs. Glusing's family and recognize Representative Glusing for this outstanding achievement; now, therefore, be it

Resolved, By the Senate that an enrolled copy of the resolution be sent to this magnificent young man and his parents, Representative and Mrs. Ben A. Glusing, and that the Senate do this day go on record as extending to this fine son of one of our fellow legislators its best wishes for happiness and good health through his entire lifetime.

The resolution was read and was adopted.

#### Senate Concurrent Resolution 13

Senator Moffett offered the following resolution:

S. C. R. No. 13, Relating to and commending Texas Civil War Centennial Commission.

Whereas, January, 1961, marks the beginning of the 1961-65 Civil War Centennial period in Texas and throughout the United States; and

Whereas, Texas joined the sister states of the Confederacy in a cause that has given us one of the six great periods of Texas history as represented by our six flags; and

Whereas, Texas men acquitted themselves nobly and Texas women devotedly bore the struggles and hardships of a war which no less an objective authority than Sir Winston Churchill said was "the noblest" war of all; and

Whereas, Contrary to the history of many other wars the Confederate States fought for principles and not for conquest, which is freely admitted by competent authorities; and

Whereas, It is fitting that we commemorate the memory of those who served the Confederacy so long, so loyally and faithfully and that we perpetuate an accurate understanding of the cause for which they stood; and

Whereas, Texas has so far failed to keep abreast of most of the South and much of the rest of the country in plans and preparations for the opening of the Civil War Centennial because of the lack of funds and facilities for the purpose; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that the Texas Civil War Centennial Commission designated by Executive Order of Governor Price Daniel in December, 1959, is commended for the outstanding plans and work that have been accomplished in preparation for the Centennial in Texas; and, be it further

Resolved, That the Texas State Historical Survey Committee and the eighteen members-at-large selected by the Governor of Texas to constitute the Texas Civil War Centennial Commission shall continue to serve in the planning and directing of the commemoration in Texas; and, be it further

Resolved, That the facilities and staff of the Texas State Historical Survey Committee shall be made available for the work of the Texas Civil War Centennial Commission and that all possible aid shall be accorded by the Legislature and by other state agencies; and, be it further

Resolved, That the Committee is requested to give emphasis to the Civil War period in the erection of markers and memorials and in the preservation and restoration of historic houses, sites and landmarks, museums, and archives, papers and documents; and, be it further

Resolved, That the Commission is requested to consider the feasibility of publishing a comprehensive history of Texas in the Civil War period since no such work has ever been prepared to provide the full true story for this and coming generations; and, be it further

Resolved, That the Commission is requested to work with state, area and local organizations, agencies and institutions in the Commemoration of the Texas Civil War Centennial and County Historical Survey Committees throughout Texas are urged to give county and local emphasis to the Centennial; now, therefore, be it further

Resolved, That we especially call on the Texas divisions of the United Daughters of the Confederacy, the Sons of Confederate Veterans and the Children of the Confederacy and other organizations devoted to the perpetuation of the ideals and history of the Confederacy to assist with and participate in the Texas Civil War Centennial.

The resolution was read.

On motion of Senator Moffett and

by unanimous consent the resolution was considered immediately and was adopted.

#### Reason for Vote

I voted for Senate Concurrent Resolution No. 13 by Moffett but I do not like the words "Civil War" appearing in this Resolution. The words "Civil War" imply that there was a rebellion and that the South was wrong in her beliefs and actions. As the Grandson of a Confederate Veteran, who fought four years in the Texas Seventh Cavalry for the Confederate Cause, I would have preferred the deletion of the words "Civil War" and insert in lieu thereof the words "War Between the States." This great struggle which pitted brother against brother was a war between independent and sovereign states and in no way a rebellion as the words "Civil War" seem to imply in my humble opinion.

WILLIS

#### Senate Resolution 38

Senator Herring offered the following resolution:

Whereas, The governing authorities of the University of Texas have wisely provided ROTC military training at that institution, and

Whereas, One of the units in the ROTC organization at the University of Texas is known as the "ROTC Confederates," and

Whereas, This unit of well trained and stalwart young men are carrying on the spirit of Texas Confederates in the Civil War, and are thus qualified to make a contribution to the Texas Civil War Centennial; now, therefore, be it

Resolved, That the Senate hereby extends a cordial invitation to the University of Texas ROTC Unit known as the "ROTC Confederates" to be present on the Senate floor on the morning of February 1, 1961, in order that they may participate in the observance of the contemplated Civil War Centennial program to be rendered on that date.

The resolution was read and was adopted.

#### Senate Bill 74 on Second Reading

Senator Kazen moved that Senate Rules 116, 12, and 38 and Section 5 of

Article III of the State Constitution be suspended and that S. B. No. 74 be taken up for consideration at this time.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	

## Absent

Schwartz

## Absent—Excused

Owen

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 74, A bill to be entitled "An Act authorizing Webb County to supplement the salary of the District Attorney of the 49th Judicial District for additional services performed in Webb County, authorizing the appointment of an Assistant District Attorney, Special Investigators for the District Attorney, and a Stenographer-Secretary for the District Attorney of the 49th Judicial District to act in Webb County; fixing the salary of said Assistant District Attorney, Special Investigators, and Stenographer-Secretary to be paid by Webb County; repealing Chapter 62, Acts of the Fifty-fifth Legislature, and all other laws in conflict herewith; and declaring an emergency."

The bill was read second time and was passed to engrossment.

## Senate Bill 74 on Third Reading

Senator Kazen moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that

S. B. No. 74 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	

## Absent

Schwartz

## Absent—Excused

Owen

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	

## Absent

Schwartz

## Absent—Excused

Owen

## Presentation of Guest

Senator Fuller by unanimous con-

sent presented as a guest of the Senate today the Honorable Jack Brooks, Member of Congress, from Beaumont to the Members of the Senate.

**Senate Resolution 39**

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate the Honorable John McKee, prominent citizen of Dallas, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol

Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

**MOFFETT  
PARKHOUSE**

The resolution was read and was adopted.

**Adjournment**

On motion of Senator Willis the Senate at 11:17 o'clock a.m. adjourned until 10:30 o'clock a.m. tomorrow.



In Memory of

**Mr. Cullum Greene**

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Senator Willis offered the following resolution:

(Senate Resolution 35)

Whereas, The death of Mr. Cullum Greene of Tarrant County, Texas, on 24 September 1960, marks the passing of a kind, intelligent and considerate man; and

Whereas, For many years this cheerful, Christian man contributed his heart and talents to Texas and the Southwest. He was a selfless man, dedicated to all the nobler concepts of living; and

Whereas, Cullum Greene was a successful newspaper man who forged his way because he treated his brother wisely and more than fairly. He was a Christian gentleman in every sense of the word and his kind are hard to find, hard indeed; now, therefore, be it

Resolved, By the Senate of Texas, that a page in today's Senate Journal be devoted to his memory; and that when the Senate adjourns today, it do so in respect and honor of Mr. Cullum Greene.

The resolution was read and was adopted by a rising vote of the Senate.